

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DANIELLE ROSENFELD and VINCENT GARCIA,
on behalf of themselves and all others similarly situated,

Plaintiff,

-against-

TARA LENICH; LU-SHAWN M. THOMPSON, as
Administrator of ESTATE OF KENNETH P. THOMPSON;
ERIC GONZALEZ; MARK FELDMAN; WILLIAM
SCHAEFFER; BRIAN DONOHUE; WILLIAM POWER;
MICHAEL DOWLING; JOSEPH PIRAINO; ROBERT
KENAVAN; and THE CITY OF NEW YORK,

Defendants.

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**NOTICE OF MOTION
TO DISMISS THE
COMPLAINT PURSUANT
TO FEDERAL RULE
OF CIVIL PROCEDURE
12(B)(6)**

18 CV 6720 (NGG) (PK)

PLEASE TAKE NOTICE that upon the Declaration of Joshua J. Lax dated February 28, 2019, together with the exhibits annexed thereto; and Defendants' Memorandum of Law, dated February 28, 2019; and all pleadings and proceedings previously had herein, defendants The City of New York, Lu-Shawn Thompson, Eric Gonzalez, Mark Feldman, William Schaeffer, Brian Donohue, William Power, Michael Dowling, Joseph Piraino, and Robert Kenavan will move before the Honorable Nicholas G. Garaufis, U.S.D.J., at the United States Courthouse for the Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, New York 11201, at a date and time to be set by the Court, for an Order dismissing the Complaint, dated November 26, 2018, in its entirety against them pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and granting such other and further relief as the Court deems just, proper, and equitable.

PLEASE TAKE FURTHER NOTICE that pursuant to the January 30, 2019 Order of the Honorable Nicholas G. Garaufis, U.S.D.J., plaintiff's opposition papers shall be served no later than March 29, 2019, and any Reply must be served no later than April 15, 2019.

Dated: New York, New York
 February 28, 2019

ZACHARY W. CARTER
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